

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
JAMES M. FITZPATRICK,

Plaintiff,

-v-

EXPERIAN INFORMATION SOLUTIONS INC.,
TRANSUNION LLC, PORTFOLIO RECOVERY
ASSOCIATES, LLC, NEWREZ, LLC, AMERICAN
EXPRESS BANK, N.A., JP MORGAN CHASE BANK,
N.A., WELLS FARGO BANK, N.A., COMMUNITY
BANK, N.A., CITIBANK, N.A.,

Defendants.

CIVIL ACTION NO.: 23 Civ. 4261 (PGG) (SLC)

ORDER

SARAH L. CAVE, United States Magistrate Judge:

On July 5, 2023, the Court ordered Plaintiff James Fitzpatrick (“Mr. Fitzpatrick”) to initiate default proceedings against Defendant Experian Information Solutions Inc. (“Experian”) due to Experian’s failure to timely file respond to the Complaint. (ECF No. 18). On July 13, 2023, Mr. Fitzpatrick filed a “request for entry of default” against Experian. (ECF No. 21). On July 14, 2023, Experian filed a letter-motion requesting that (i) its time to Answer be “restored” to July 24, 2023, and (ii) the Court “vacate [the] default proceedings.” (ECF No. 24 at 1). According to Experian, the Clerk’s Office incorrectly calendared its deadline to respond to the Complaint as July 5, 2023, when the date should have been calendared as July 24, 2023. (Id.)

On review of the docket and Experian’s letter-motion, the Court agrees that Experian’s deadline to respond to the Complaint was incorrectly calendared. Experian’s waiver of service is dated May 24, 2023, meaning its deadline to respond to the Complaint should have been set as July 24, 2023, not July 5, 2023. (See ECF No. 4).

Accordingly, it is hereby ordered as follows:

1. Experian's letter-motion at ECF No. 24 is GRANTED.
2. The Court's order at ECF No. 18 to initiate default proceedings against Experian is VACATED.
3. Mr. Fitzpatrick's request for entry of default at ECF No. 21 is DENIED AS MOOT.
4. By **July 24, 2023**, Experian shall respond to the Complaint.

The Clerk of Court is respectfully directed to close ECF Nos. 21 and 24.

Dated: New York, New York
July 14, 2023

SO ORDERED.



SARAH L. CAVE
United States Magistrate Judge